

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Re: Patent Application of HALL et al.
Application Serial No. 09/172,577
Application Filing Date 10/13/98
For INERT GAS BLANKET FOR PROTECTION FROM OXIDATION

Appeal No. 2005-1648

Request to Act on Request for Reconsideration Filed 2/9/2006

Commissioner for Patents, Alexandria, VA 22313-1450:

I certify that this correspondence is facsimile-transmitted
to the Patent and Trademark Office (571 273 8300) on 12 FEB 2008:

Christopher John Rudy: Christopher John Rudy 12 FEB 2008.

Please act upon the Request for Reconsideration filed on
February 9, 2006. Nothing has been received from the Office
since the filing of the Request for Reconsideration.

Transmitted herewith are the Request for Reconsideration
(three pages) plus its Auto-Reply Facsimile Transmission receipt
(one page) showing filing of that request on February 9, 2006.

Prompt and favorable action is solicited.

Respectfully,

RICHARD H. HALL ET AL.

Dated: Feb. 12, 2008 A.D.

Per

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Encls: Request for Reconsideration
Auto-Reply Facsimile Transmission receipt

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PER-12-2008 02:34 PM CHRISTOPHER J RUDY 810 982 5336 P.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Re Patent Application of KALL et al.
Application Serial No. 09/171,877
Application Filing Date 10/13/98
For INERT GAS BLANKET FOR PROTECTION FROM OXIDATION

Appeal No. 2005-1448

Request for Reconsideration

Commissioner for Patents, Alexandria, VA 22315-1400

I certify that this correspondence is ~~transmitted~~ transmitted to the Patent and Trademark Office (PTO) on 01 FEB 2008:
Christopher John Rudy: Christopher John Rudy 01 FEB 2008

Thank you for the DECISION ON APPEAL mailed DEC 22 2005. In reply, please reconsider part thereof.

Reconsideration Argument with Request to Reissue

Claim 16 distinguishes over Kugel, U.S. Patent No. 4,561,363 under 35 USC 103(b).

As any person skilled in the art knows, the system of Kugel is sealed. In other words, gas inside the system is not able to come into contact with gas outside the system. Even though it is shutted back and forth between two compartments of the system, the very same Nitrogen gas composition is involved, and it stays inside the same system; the only difference is internal pressure.

In contrast, claim 16 requires a method for controlling oxidative degradation ... in a ... vented space.

The word, "vent," is an English word that comes as an alteration from the French, "vent," which comes in the Latin, "ventus," both meaning wind. Thus, implied by definition is a vented space is entry of wind, fresh air, into the system. It is in view of such a condition, by which oxygen can enter into the generally enclosed space, that the inert gas blanket is provided. Note that the claim refers to control of oxidative degradation.

Oxidative degradation is not possible in the sealed system of Kugel because no oxygen can enter from outside a sealed system.

On the other hand, oxidative degradation is addressed by the claimed invention in a vented system because oxygen may enter in from outside the system. Thus, the inert gas blanket is provided inside the generally enclosed, vented space.

As noted in the Brief on pages 1 et seq., this can be appreciated by comparing, again, patent FIG. 1, which depicts a human, i.e., standard, internal combustion engine in a motor

PLATE 15 * 1510 17 11/11/08 1:15:17 PM [Eastern Standard Time] * SVR:USPTO-EFXXRF-5/37 * DNIS:2738300 * CSID:810 982 5336 * DURATION (mm:ss):04:04